

APPROVED: Meeting No. 7-87

ATTEST:

Carol A. Kachadoorian

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 38-86

October 6, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 6, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson; City Clerk Carol A. Kachadoorian; City Attorney Paul Glasgow.

Re: Invocation

Monsignor John Scanlan of St. Elizabeth's Church presented the invocation for this evening's meeting.

Immediately following the invocation, Mayor Van Grack asked to add an item to the agenda to discuss the recent reports of racial discrimination in rental housing. Members of the Mayor and Council concurred to placing this item on the agenda. Councilman Abrams asked that Items #3 and #4 be placed after the citizens' forum, and again, the Mayor and Council concurred.

Meeting No. 38-86

-2-

October 6, 1986

Re: City Manager's Report

Mr. Robinson reported the following:

1. The staff is following up on an analysis and review of the report on racial discrimination in rental housing in the City of Rockville.

2. Brigitta Mullican was introduced so that she could introduce the Pinneberg exchange students. Ms. Mullican presented a gift to Mayor Van Grack of a tie from Pinneberg as well as a letter from the Mayor of Pinneberg and a history of the city.

3. Staff continues to follow up on United States' companies with investments in South Africa as it relates to the city's purchasing and investment activities. In addition, as a result of that review, he stated that we are happy to report that the city is not currently making any purchases from vendors known to have direct holdings in South Africa. The only company currently on our vendor list which may have indirect holdings is General Electric Company. The list states that General Electric sold its operation in South Africa to local management in April 1986, but that the company may still own 26 percent of Defy Industries in South Africa.

Re: Mayor's Report

1. Mayor Van Grack's family was present at the meeting, and he expressed thanks to them for their support and encouragement during the past year of his term as Mayor.

2. Mayor Van Grack provided comments on issues scheduled for this evening's agenda. With respect to the report on race discrimination on rental housing in Rockville, the Mayor stated the publishers of the report need to

understand where the City is with respect to this issue. Further he noted, the city will be active in eliminating discrimination where it exists.

3. Mayor Van Grack stated he looked forward to a decision by the Mayor and Council on recommendations from the Elections Task Force. He expressed his belief that we are about to make some major changes to the current procedures for conducting elections in the city.

4. Finally, with respect to proposed Text Amendment T-78-86, he emphasized the importance of recognizing that every member of the Mayor and Council agrees on an office park development zone. He expressed his hope that the Text Amendment proposed by the Mayor and Council will received action this evening.

Re: Proclamation to College
Gardens Elementary
School

Proclamation No. 8-86

At the request of Mayor Van Grack, Gerald Frick, principal of College Gardens Elementary School, introduced students, teachers, and parents from the elementary school who were present at the meeting to receive the city's proclamation.

Mayor Van Grack read the proclamation commending College Gardens Elementary School, its principal, staff, students and parents for their outstanding achievement. On motion of Councilman Abrams, duly seconded, and unanimously passed, Proclamation No. 8-86 was adopted by the Mayor and Council.

Meeting No. 38-86

-4-

October 6, 1986

Re: Proclamation to St.
Elizabeth's Elementary
School

Proclamation No. 9-86

The Mayor introduced Maureen McCabe, principal of St. Elizabeth's Elementary School. Ms. McCabe, in turn, introduced the students, teachers, and parents from the school who were present at the meeting to receive the proclamation from the city.

Mayor Van Grack read the proclamation in which the students, staff, principal and parents of St. Elizabeth's were commended for their outstanding achievements.

On motion of Councilman Abrams, duly seconded, and unanimously passed, Proclamation No. 9-86 was adopted by the Mayor and Council.

Re: Proclamation - October
12-18, 1986, as National
Business Women's Week

Proclamation No. 10-86

On motion of Councilman Coyle, duly seconded and unanimously passed, Mayor Van Grack proceeded to issue Proclamation No. 10-86, proclaiming the week of October 12-18, 1986, as National Business Women's Week and urged that all citizens in Rockville join in this salute to working women by encouraging and promoting the celebration of their achievements.

Mayor Van Grack noted that he will be delivering the proclamation to the Rockville Professional and Business Women's Association dinner on October 14, 1986.

Re: Discussion of report on
race discrimination in
rental housing.

In response to a request from Mayor Van Grack, Michael Taff, Chairman of the Human Rights Commission, presented information to the Mayor and Council regarding his perspective on the report. He stated that discrimination is a problem but doubts it is to the proportion as relayed in the report. Currently, the Department of Community Services has four housing complaints among all of its complaints. In addition, the Commission conducts its own testing of discrimination through the suburban Maryland Fair Housing Office. In response to a question from Councilman Coyle, Mr. Taff stated that buildings that are tested by the suburban Maryland Fair Housing Office are selected on the basis of complaints.

Councilman Hartogensis suggested that it would be helpful if the city could find out which buildings were tested in Rockville in the report; he suspects that many of the buildings included in the report are really outside of the Rockville city limits. Councilman Abrams advised the Mayor and Council that he has requested information on this matter and was hopeful that Patricia Horton will meet with the Human Rights Commission or the Mayor and Council soon. Mr. Abrams further expressed his concern over the lack of communication between the different groups doing monitoring. He emphasized that he does not like discrimination in rental housing regardless of where it exists and wondered what tools would be helpful to the city to try and eliminate the discrimination. Mr. Taff responded that the Human Rights Commission does plan to do some education in the City of Rockville. Councilman Abrams asked if the Housing Opportunities Commission received reports on minority participation set aside for low-income housing in any given project. Mr. Taff responded

Meeting No. 38-86

-6-

October 6, 1986

that he had no information on that. In addition, Mr. Abrams asked if the Human Rights Commission was aware of the study on discrimination in rental housing when it was done, to which Mr. Taff responded that it had not.

Arlene Simons,

Technical Assistant to the New Horizon's Fair Housing Task Force and Executive Director of the Community Housing Resources Board spoke next regarding the report. Ms. Simons stated that she had with her that evening an informal copy of the task force assessment and strategy resulting from their analysis. In addition, she provided a history of the New Horizon's Fair Housing Project and a summary of the report. She asked that the task force meet with the Mayor and Council informally to discuss the report with the intent of reaching an agreement on its recommendations. She stated that she will be meeting with Patricia Horton on October 24, 1986, at 10:00 a.m. to discuss the report. Mayor Van Grack suggested that the Mayor and Council have a breakfast meeting with Ms. Horton on October 24th before her meeting with Arlene Simons.

Joanne Mazzetta, former Chairperson of the Human Rights Commission, addressed the Mayor and Council. Ms. Mazzetta reviewed the history of the Suburban Maryland testing for the HRC. She stated the commission consistently did not find a pattern of discrimination. However, she knows there are problems and suggested that these problems are sometimes due to educational or language differences, or simply a difference in perception. Councilman Abrams stated that he is hopeful that she will be available to meet with Ms. Horton and that communication between all those who are interested in this subject is very important. Finally, he suggested that all the tools that are available be used to reduce the level of discrimination in rental housing.

Meeting No. 38-86

-7-

October 6, 1986

Councilman Coyle asked Ms. Mazzetta what the Human Rights Commission did if it found discrimination. She responded that an investigator talks with the owner or manager of the rental complex and requests that that person come before the Commission. Further, she stated that the Commission had never had to use its full powers to resolve such problems.

Re: Appointments

Mayor Van Grack, with the concurrence of the Council, made the following appointments:

Human Rights Commission: Rebecca Gilad - four-year term
202 Currier Drive

Charles Short - four-year term
1040 Brice Road

Councilman Coyle commented that Mr. Short is very qualified to serve as a Commissioner to the Human Rights Commission.

Economic Development Council: Ken Kushner - two-year term
Dunkin Donuts
865 Rockville Pike

Re: Citizen's Forum

1. Patrick Woodward, 111 North Van Buren Street, addressed the Mayor and Council regarding incidents during the recent past of discrimination, hate, and violence. He informed the Mayor and Council of the Metropolitan Washington Council of Governments Program on Regional Sensitivity Awareness Day scheduled for November 19, 1986. The primary focus of this day is in the schools, and local governments are asked to issue a proclamation proclaiming November 19 as Sensitivity Awareness Day. Mr. Woodward further suggested that the City organize its own Sensitivity Awareness Day in Rockville. Councilman Hartogensis noted that he hoped the City would do so. Councilman Abrams stated that Councilman Mike Gudas deserves credit for the Sensitivity

Awareness Day stating that this marks the third year of the SAS Program. However, this is the first year that it is regionwide.

2. Ardell Shirley, 605 Douglas Avenue, addressed the Mayor and Council regarding the traffic impact to the Lincoln Park community especially in the area of the Metro Station at Horners Lane and Stone Street. She suggested that the traffic lights at that intersection need to be synchronized better. Mayor Van Grack asked the City Manager to have staff follow up on Ms. Shirley's concerns.

3. Carole Cohen, 100 Aberdeen Road, asked the Mayor and Council that when public hearings are advertised to begin at 8:30 that they be held on time.

4. Arlene Simons, 708 Carr Avenue, representing the West End Citizens' Association, spoke to the Mayor and Council regarding proposed Text Amendment T-78-86. She reaffirmed the position of the West End Citizens' Association stated at the January 13, 1986, public hearing emphasizing that the neighborhood referral process was desired as well as a weighting system for public amenities including housing component.

5. Louis Carliner, 1010 Wall Street, spoke to the Mayor and Council encouraging them to hang tough with the County regarding the city's position on the new cable franchise. Mr. Carliner presented to the Mayor and Council a two page summary he had prepared.

6. Jim Moone, 1204 Potomac Valley Road, addressed the Mayor and Council on the South African issue, particularly with regard to the resolution on human rights in South Africa and Chile scheduled for Mayor and Council consideration this evening. He stated he sees the two issues as separate ones and that a strong position on South Africa from the Mayor and Council was needed.

7. Philip Gross, 1017 Farmhaven Drive, representing the North Farm and Potomac Springs Association, addressed the Mayor and Council regarding proposed Text Amendment, T-78-86, stating he believes there should be another public hearing on the Text Amendment due to changes made in the text amendment after the public hearing was held. In addition, he stated that he feels the neighborhood referral process outlined in the proposed text amendment does not meet what the Mayor and Council wanted. Instead, he believes that it was the desire of the Mayor and Council to have a neighborhood referral process such as that which occurred for Westmont. He also commented on the proposals from the Planning Commission dated October 2, 1986, regarding the Text Amendment. Finally, Mr. Gross urged the Mayor and Council not to approve proposed Text Amendment T-78-86 in its present form. Mr. Gross presented a written statement which will be included into the record.

8. Adrian Carr, Community Ministries, advised the Mayor and Council of the Crop Walk to be held on Sunday, October 12, 1986, and urged everyone present to participate in some way.

9. Diane Gould, 5 Eaglebrook Court, commended the Public Works Department on their speed and courtesy in dealing with some problems she had encountered in Potomac Springs. In addition, she reaffirmed what Mr. Gross had said earlier regarding proposed Text Amendment, T-78-86. However, she stated that Potomac Springs is not against development. It just wants citizen participation in the process.

10. Michael Taff, Chairman, Human Rights Commission, read into the record a letter dated September 30, 1986. In response to questions from Councilman Abrams, Mr. Taff stated that the Human Rights Commission has not discussed the issue of human rights in Chile. In addition, they would not rank the issue of

Meeting No. 38-86

-10-

October 6, 1986

human rights in Chile any higher nor lower than the issue of human rights in South Africa. For the Human Rights Commission, the two issues are separate and Human Rights Commission supports making a separate statement on each. In addition, Mr. Taff responded that the Commission has not discussed the issue of human rights in Ethiopia. Councilman Abrams noted that policies of the Ethiopian government are distasteful and are the worst instances of racial and religious persecution.

Re: Adoption of Resolution
on Human Rights in South
Africa and Chile

Resolution No. 25-86

Councilman Hartogensis moved that the references to Chile be deleted from the resolution. He stated his support of a resolution on Chile, as did Councilman Duncan who supported the motion to delete the references to Chile from the resolution on South Africa. Councilman Abrams advised that he had prepared an alternative resolution on South Africa that he felt would be relevant for the city. He offered that resolution as a substitute motion. Mayor Van Grack seconded Councilman Abrams amendment for the purposes of discussion.

Councilman Coyle expressed his concern about the dilution of a straightforward resolution on the issue of human rights in South Africa. Councilman Hartogensis stated he was concerned when the Mayor and Council tries to make a foreign policy for the U.S.A. stating that it is not the duty of the Mayor and Council to do so. Mayor Van Grack expressed his support for the general statement on South Africa, Jews, and the situation with Veronica DeNegri and her son in Chile. He feels it is appropriate to speak out on morally outrageous conduct. Councilman Abrams expressed his agreement that

the Mayor and Council should make statements to influence legislators and that the passage of economic sanctions by Congress says the City should do something different in the resolution.

Councilman Hartogensis' motion was passed by a vote of 5 - 0. Mayor Van Grack asked that a resolution on human rights in Chile be prepared for the meeting of October 20, 1986.

Re: Adoption of Resolution
on Human Rights in the
Soviet Union

Resolution No. 26-86

On motion of Councilman Duncan, duly seconded, the resolution on human rights in the Soviet Union was introduced. Councilman Abrams introduced a technical amendment to the resolution consisting of deleting the reference to the Mayor and Council addressing other governments. The amendment failed on a vote of two in favor, Councilman Abrams and Mayor Van Grack, and 3 against, Councilman Duncan, Councilman Coyle, and Councilman Hartogensis. Mayor Van Grack moved to revise the wording in the resolution to reflect the certainty of a summit between President Reagan and Secretary Gorbachev. The motion was seconded by Councilman Hartogensis and was passed on a vote of 4 to 0, with one abstention from Councilman Abrams. The vote on the resolution, as amended, was 4 to 0, with an abstention from Councilman Abrams. Councilman Coyle read into the record Resolution No. 25-86 on South Africa, the full text of which can be found in Resolution No. 8 of the Mayor and Council was adopted. Councilman Hartogensis read Resolution No. 26-86 on the Soviet Union, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council.

Meeting No. 38-86

-12-

October 6, 1986

Re: Consent Agenda

Councilman Hartogensis asked that Item E, rejection of Bid No. 7-86 for Mechanical Equipment, be removed from the consent agenda.

On motion of Councilman Duncan, duly seconded, and unanimously passed, the next five items were approved under the consent agenda was approved with the exception of Item E.

Re: Introduction of
Ordinance: To grant
Street Closing and
Abandonment Application,
SCA-51-86, Congressional
South Associates,
Limited Partnership,
Applicant

On motion of Councilman Duncan, there was introduced upon the table an ordinance to grant Street Closing and Abandonment Application, SCA-51-86, Congressional South Associates Limited Partnership, Applicant. Said ordinance to lay over at least one week before final action is taken.

Re: Introduction of
Ordinance: To levy
assessments for widening
of Chapman Avenue and
Twinbrook Parkway
Intersection - Project
9A11

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to levy assessments for the widening of Chapman Avenue and Twinbrook Parkway intersection. Said ordinance to lay over at least one week before final action is taken.

Re: Award of Contract for
Bid No. 30-87, Signal
System for North
Washington Street

Bids were opened on Monday, September 22, for the reconstruction of four

traffic signals on Washington Street, Project No. 6B11. The purpose of the project is to bring these four obsolete traffic signals - at Beall Avenue, Middle Lane, West Montgomery Avenue, and Jefferson Street - up to the most recent standards while maintaining the aesthetic standards approved for the Town Center, and utilize the state-of-the-art technology. A completion date of March 1 has been set for the project.

Seven bid proposals were sent out, not including four proposals furnished to construction bid networks. One bid was received:

Hawkins Electric Company, College Park, Maryland	\$141,477.00
Engineer's Estimate	\$122,347.00

The response to the bid was very disappointing. However, the demand for traffic signal work is extremely heavy right now, yet there still remain very few qualified contractors in this highly specialized field. Hawkins' chief competition in the area, Women in Construction (WIC), did not enter a bid. WIC has recently won several major signal contracts in other jurisdictions, and does not have the remaining schedule or bonding capacity to bid City projects at this time. All other prospective bidders are from out of the area and do not normally bid on City projects. Under current marketplace conditions, the Hawkins bid should be regarded as reasonable and responsible.

Hawkins has performed considerable traffic signal work for the City and presently holds the City's signal maintenance contract. Their performance has generally been excellent.

In addition to this bid, the City has arranged for direct purchase from the Maryland State Highway Association for signal control equipment amounting to \$36,000.

At this time, total funding available for project 6B11, including a

Meeting No. 38-86

-14-

October 6, 1986

recent \$34,000 reimbursement from the SHA, is \$211,000. Based on the unit prices of the Hawkins bid, the City should expect an additional reimbursement of about \$23,000. It would therefore appear that the City is staying well within its budget for this project.

Staff recommends that Bid No. 30-87 be awarded to Hawkins Electric Company, for its bid of \$141,477.00.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 30-87 for award of contract for Washington Street Traffic Signal was awarded to Hawkins Electric in the amount of \$141,477.00.

Re: Introduction of
Ordinance to revise and
amend Ordinance No. 17-
86 appropriating funds
and levying taxes for
fiscal year 1987

On motion of Councilman Duncan, there was introduced upon the table an ordinance to revise and amend Ordinance No. 17-86 appropriating funds and levying taxes for fiscal year 1987. Said ordinance to lay over at least one week before final action is taken.

Re: Approval of Offer of
Agreement for 230 North
Washington Street

As part of the North Washington Street realignment project, the Mayor and Council approved the acquisition, by condemnation, of a strip of land at the corner of Beall Avenue and North Washington Street at the above-referenced address. Prior to the filing of the condemnation action, negotiations resulted in an agreement to acquire the land by purchase. An Offer of Agreement was prepared some time ago, whereby the property owners agreed to sell the property to the City for the sum of \$1,500.00.

Unfortunately, after negotiations were completed, but before the Offer of Agreement could be signed by all owners and mortgagees, the property was transferred to new owners, who placed new encumbrances on the property from which the strip of land was to be severed. An Offer of Agreement executed by the current owners as well as the trustees names in deeds of trust encumbering the property has been received. This Offer of Agreement is submitted to the Mayor and Council for approval. In this regard, it should be noted that the City has been trying to acquire this property for at least three years and took possession of the property when North Washington Street was realigned.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Offer of Agreement was approved by the Mayor and Council.

Re: Rejection of Bid No. 7-
87 for Mechanical
Equipment

It is recommended by staff that this bid be rejected and that the bid be readvertised because the low bid was over budget by more that \$5,000 on an estimated \$32,000 purchase.

Of 26 requests for proposals, only three responses were received; and of those, two responses were nearly double the estimated cost of the units.

After discussing this matter with the Acting Contract Officer, staff will be rejecting all bids since it is in the public interest to do so. It should be noted that the two leaf collecting units are not needed for the leaf collection season which begins October 13.

Therefore, because the low bid exceeded the budgeted amount, staff recommends that the Mayor and Council reject all bids and authorize the staff to readvertise for two 20-cubic yard leaf collectors.

Meeting No. 38-86

-16-

October 6, 1986

Councilman Hartogensis stated that it appears the bidder is eager to get a contract with the City and asked if staff could negotiate with the contractor for a lower price. City Manager Robinson stated that it is not possible to do so legally and that the City would have to go out on bid again. In response to a question from Councilman Hartogensis, Director of Public Works, Robert Goodin, stated that staff would advise the contractor of the problems with the current bid received. The motion to reject the bid was approved on a vote of 5 to 0.

Re: Public Hearing: Report
from the Elections Task
Force

The Mayor and Council conducted a public hearing on Report from the Elections Task Force and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Adoption of Ordinance to
Levy Special Assessment
for Water and Sewer
Mains and Laterals in
Orchard Ridge
Subdivision

Ordinance No. 22-86

On motion of Councilman Duncan, duly seconded, and unanimously passed, Ordinance No. 22-86, levying assessment for water and sewer mains and laterals in Orchard Ridge subdivision, the full text of which can be found in Ordinance Book No. 12, was adopted by the Mayor and Council.

Meeting No. 38-86

-17-

October 6, 1986

Re: Decision and
Instructions to Staff on
Text Amendment T-76-86,
Mayor and Council,
Applicant, to amend
Chapter 6, Section 1-315
of the "Laws of
Rockville" (Historic
District Permits)

On motion of Councilman Duncan, duly seconded, and unanimously passed, staff was instructed to prepare the necessary documentation to grant Text Amendment, T-76-86. Councilman Duncan further moved an amendment to the proposed Text Amendment on Item D. The amendment is that two years is a reasonable length of time for completion of a project. Councilman Abrams asked that the Historic District Commission be able to grant six-month extensions as needed. Councilman Coyle expressed his appreciation to the City Manager for materials received from staff on this item.

Re: Decision and
Instructions to Staff on
Text Amendment, T-80-86,
Mayor and Council,
Applicant, to amend
Chapter 6, Section 3-
401 of the "Laws of
Rockville" (Truck
Parking)

On motion of Councilman Duncan, duly seconded, and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Text Amendment T-80-86.

Re: Adoption of Ordinance to
Grant Text Amendment, T-
74-85, Westmont
Associates, Applicant

Ordinance No. 23-86

On motion of Councilman Abrams, duly seconded, and unanimously passed, Ordinance No. 23-86, the full text of which can be found in Ordinance Book No.

Meeting No. 38-86

-18-

October 6, 1986

12 of the Mayor and Council granting Text Amendment T-74-85 was adopted. 74-85, Westmont Associates, Applicant.

Re: Adoption of Ordinance to
Grant Text Amendment, T-
78-86, Mayor and
Council, Applicant (0-3
Zone Changes)

Ordinance No. 24-86

Councilman Abrams moved to deny the ordinance. The motion died for lack of a second.

Councilman Duncan moved, duly seconded by Councilman Hartogensis to adopt the ordinance.

Councilman Duncan asked a series of questions of Mike Davis regarding the site-line analysis. In response, Mike Davis, Director of Planning, stated the correct terminology is "line of site analysis". Councilman Duncan stated he did not see this particular analysis as a requirement on the application and asked that it be included referencing Page 5, Section 5-711 along with traffic impact analysis. He stated his preference that the residential areas received such an analysis first. He also stated his desire to beef up the mandatory referral process. However, he felt he was not sure if detailed information on the process belongs in the ordinance stating instead that the Mayor and Council should adopt by resolution the details on the mandatory referral process. Councilman Abrams expressed his opinion that in doing so the Mayor and Council is trying to reinvent the wheel by having every parcel be subject to the mandatory referral process. Councilman Hartogensis stated he liked Councilman Duncan's proposal and that the Mayor and Council needed more time to work out the details of the process. He stated he wanted the ordinance passed with an opportunity to work out these details. Councilman Coyle

expressed his view that Councilman Abrams was raising a fair question and asked what the steps would be in the process in addition to what already has been proposed. Councilman Duncan responded that he envisioned the process as the Planning Commission recommended. However, the full details have to be worked out. In general, though, the nature of the process is to seek accommodation and compromise.

Councilman Abrams asked why there was a need to adopt the resolution tonight suggesting instead that its adoption be delayed until the details of the mandatory referral process were complete. Councilman Coyle, however, stated he felt there was a need to make a decision tonight in order to best deal with the County regarding a potential annexation. Councilman Hartogensis advised that he was not trying to duplicate the master planning process. However, Councilman Abrams responded that it appears to be exactly what is wanted.

Mayor Van Grack stated that there are two decisions to be reached this evening. One is on the site impact analysis and the other is on the mandatory referral process. He expressed his support for the Planning Commission's comments but said there is more work needed on the specifics of a mandatory referral.

In response to a question from Councilman Abrams, City Attorney, Paul Glasgow, said it was possible for the Mayor and Council to adopt a resolution that is referenced in an ordinance. In response to a request from Councilman Duncan, Paul Glasgow provided language for the inclusion line of site analysis into Section 5-711 of the proposed amendment.

Councilman Duncan moved, duly seconded and unanimously passed, to include the language suggested by Paul Glasgow. In adopting the language,

Meeting No. 38-86

-20-

October 6, 1986

Sections B and C were deleted and the new language inserted. Councilman Coyle asked that when considering the resolution regarding the mandatory referral process that the Mayor and Council be sure to review processes from master plan and neighborhood involvement. Councilman Duncan agreed to discuss these items. Further, Councilman Coyle stated that for Item #3 he wanted something more than a mile for the site impact analysis. The vote on the amendment was 4 to 1 with Councilman Abrams voting nay.

Regarding the main body of the Text Amendment, Councilman Coyle asked Mr. Davis about the standard methodology used to assess traffic impact particularly as it is used as a guide for staging. Mike Davis responded that it should provide information to make decisions on public facilities. The standard methodology is done once and one time only unless conditions change warranting the methodology be done again. He stated it is an accumulative analysis, and thus, can be done at one time. In response to a question from Councilman Abrams, he stated that if the assumptions were wrong when using the standard methodology the City would simply not grant a building permit or it would use bench marks against which to check as various stages of the project are completed.

With regard to public amenities, Councilman Coyle asked if there would be priorities or values established for the amenities. Mr. Davis responded that there will be a proffering system used with the developers that allows additional densities against amenities offered. This proffering system is negotiated at the concept plan stage and can be guided by an established list of priorities of the Mayor and Council.

Councilman Coyle asked reconsidering using including mandatory residential either on-site or off-site including a contribution to the housing

fund. Mayor Van Grack expressed his support for this concept. Councilman Duncan stated he felt it was something the City needs to do; however, it was not appropriate to do so here and that a contribution to the housing fund should be considered on its own merits. City Manager Robinson suggested doing so as part of the annexation agreement. However, he encouraged the Mayor and Council not to adopt a rigid policy on that particular issue. Councilman Hartogensis also agreed that the discussion of a residential component to a plan should be done at the concept of plan stage.

William Kominers, representing Westmont Associates, asked several questions regarding how the proposed text amendment, if adopted, would effect the Westmont development particularly with respect to traffic impact analysis. Mayor Van Grack suggested that retroactivity of the text amendment is not legal, and thus, Westmont would not be effected. Paul Glasgow stated that he would add language to the Text Amendment that it only applied to concept plans after the effective date of the ordinance.

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the Mayor and Council included the language suggested by Paul Glasgow in the proposed Text Amendment.

Councilman Duncan's motion to grant adoption of the ordinance was passed by a vote of 4 to 1, with Councilman Abrams voting nay.

Re: For Your Information

1. Rockville Senior Center Newsletter, October, 1986, edition.

Re: Correspondence

1. Letter from Florence C. Welch regarding satisfactory settlement of laundry damage.
2. Carbon copy of a letter to ARL signs from Chairman of Richard Montgomery Building and Grounds Committee regarding new sign.

Meeting No. 38-86

-22-

October 6, 1986

3. Letter from D. Phifer regarding the idea of Foot Patrols in Twinbrook.
4. Thank you card from Mrs. Jean Winstead regarding the purchase of Red Barn.

Councilman Hartogensis noted that all the letters included were positive.

Re: Approval of Minutes

Councilman Abrams asked that the minutes be deferred for consideration until the next meeting. The rest of the members of the Mayor and Council concurred.

Re: New Business

1. Councilman Abrams asked that the City Manager follow up on a request that he received regarding the First Federal of Annapolis building permit for the Twinbrook location. In addition, he asked that the permitting process in the City be reviewed and information provided to the Mayor and Council. Councilman Abrams also asked about the City's STEP program with respect to who has the jurisdiction or responsibility for students once they leave the classroom and arrive at the program. He asked if the City could pick up children from the school and take them to the site of the program. City Manager Robinson said that the staff would be reviewing this item.

2. Councilman Coyle provided a report on the traffic situation on Watts Branch Parkway in that there has been an increase in traffic. He moved that stop signs at Gerard and Watts Branch Parkway be installed. The motion was seconded, and unanimously adopted. He also asked for speed limit signs on Watts Branch Parkway. Both Councilman Hartogensis and Councilman Abrams agreed that these two issues regarding Watts Branch Parkway.

3. Councilman Abrams asked that his original "nay" vote be changed to support the South African resolution.

Meeting No. 38-86

-23-

October 6, 1986

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 12:12 a.m. to convene again on October 14, 1986, at 8:00 p.m. or at the call of the Mayor.